THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.27385 OF 2006

ORAL ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport, appearing for the respondents.

This writ petition filed seeking a declaration that the action of the respondents in seizing and detaining the petitioner's tractor bearing Registration Nos.AAQ-711 vide vehicle check report No.103969, dated 6.12.2006, as arbitrary and illegal.

The check report dated 6.12.2006 shows that the vehicle was seized on various allegations. Since enquiry is required to be conducted by the competent authority into the said allegations, following due process of law, it is not necessary for this Court to express any opinion as to the correctness of the said allegations.

However, pending such enquiry, I deem it appropriate to direct the respondents to release the vehicle in question, subject to the condition that the petitioner deposits a sum of Rs.5,000/- (rupees five thousands only), apart from paying the regular tax due, if any. The petitioner shall also furnish an undertaking that he will not alienate, transfer, encumber or create any third party interest over the vehicle in question till final orders are passed. It is made clear that the amount deposited in pursuance of this order shall be subject to the out come of the enquiry.

Accordingly, the writ petition is disposed of leaving it open to respondents to proceed with the enquiry in accordance with law. No costs.

(G. ROHINI, J.)

2nd January, 2007.
Issue CC by tomorrow.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.27385 OF 2006

2nd January, 2007.

Between:

Smt. Somavarapu Devasenamma. .. Petitioner.

And

The Deputy Transport Commissioner & Secretary,
Regional Transport Authority,
Nellore, Nellore district and another. .. Respondents.